IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CIVIL REVISION APPLICATION No. 1488 of 1999

For Approval and Signature:

HON'BLE MR.JUSTICE A.M.KAPADIA

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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PUSHPALATA ALIAS PRIYA W/O VIJAYKUMAR R SHARMA - Applicant(s)

Versus

VIJAYKUMAR RAJESHKUMAR SHARMA - Opponent(s)

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Appearance :

NOTICE UNSERVED for Petitioner No(s).: 1.

(MR SD PATEL) for Petitioner No(s).: 1.

RULE UNSERVED for Respondent No(s).: 1.

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CORAM : HON'BLE MR.JUSTICE A.M.KAPADIA

Date : 25/07/2005

ORAL JUDGMENT

1. By filing this petition under Section 115 of the Code of Civil Procedure, the petitioner seeks to challenge the impugned order dated 31.8.1999 passed below application Ex.5 in HMP No.162 of 1998

by the learned 3rd Joint Civil Judge (S.D.)., Vadodara by which the application filed by the petitioner for interim maintenance has been stayed till decision of the Original Suit No.81-A/98 filed by the petitioner in Raipur Court.

2. This petition came to be admitted on 14.2.2002.

3. It appears from the record that thereafter notice of Rule could not be served upon the respondents till today. Thereafter the learned advocate Mr. S.D. Patel who has filed appearance on behalf of the petitioner has passed away. The registry therefore had issued notice to the petitioner on 8.6.2004 informing her about the demise of Mr. S.D. Patel who had appeared on her behalf and also further instructed to appear in the matter either personally or through advocate. In reply to the said notice, father of the petitioner informed the bailiff that the matter has been settled and the petitioner is now residing at her in-law's house at Chhatisgarh, Raipur and therefore the said notice could not be served to the petitioner.

4. In aforesaid view of the matter, since the matter has been settled between the parties, this petition requires to be disposed of and accordingly it is disposed of. Rule is discharged with no order as to costs. Interim relief, if any granted earlier, shall stand vacated.

(A.M. Kapadia, J.)

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